

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION**

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION	:	
	:	
Plaintiff,	:	
	:	
and	:	
	:	
KATHY KOCH	:	CASE NO.: WDQ 02-CV-648
	:	
Intervenor/Plaintiff,	:	JURY DEMANDED
	:	
v.	:	
	:	
LA WEIGHT LOSS	:	
	:	
Defendant.	:	
	:	

**MOTION OF DEFENDANT LA WEIGHT LOSS
FOR LEAVE TO FILE REPLY BRIEF IN SUPPORT
OF MOTION FOR PRE-TRIAL CONFERENCE AND
REGARDING EEOC MOTION TO BIFURCATE**

LA Weight Loss ("LAWL") hereby moves for leave to file the Reply of Defendant LA Weight Loss in Support of Motion for Pretrial Conference and regarding EEOC Motion to Bifurcate. The Brief is filed herewith as Exhibit 1. The grounds for the motion are as follows:

1. On December 11, 2003, plaintiff EEOC moved for bifurcation of trial and discovery asking the Court to enter a proposed 8 page Order Regarding Bifurcation and Scheduling and submitting a 12 page supporting Memorandum. The EEOC Motion and Memorandum raised important issues regarding defendant LAWL's rights to due process, a jury trial and procedural fairness in seeking a class wide determination of an aggregate punitive damages award prior to any determination that any individual had suffered any actual damages as a result of LAWL's alleged pattern or practice of discriminating against men in its hiring decisions.

2. LAWL addressed those issues in its 23 page responsive memorandum and motion for a pretrial conference filed on or about January 20, 2004.

3. The EEOC on February 3, 2004 filed a 25 page "Response" brief. Plaintiff intervenor Kathy Koch on February 3, 2004 filed her own 10 page "Response".

4. The 8 page Reply Brief of LAWL, included herewith as Exhibit 1, addresses only those issues filed in the 33 pages of briefing submitted by the plaintiffs on February 3. Given the importance of the issues raised by the pending motions, it is necessary and appropriate that the court have the benefit of the points made by LAWL in its proposed reply brief.

Accordingly, LAWL respectfully requests that the Court grant this Motion and order that the Reply Brief of LAWL included herewith be accepted as filed.

/s/

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Dated: February 20, 2004

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Motion of Defendant LA Weight Loss For Leave To File Reply Brief and Memorandum of LA Weight Loss In Response To Plaintiff EEOC's Motion to Bifurcate Trial and Discovery and in Support of Motion for Pre-Trial Conference, Reply Brief, and proposed Order were electronically filed and thereby served this 20th day of February 2004 upon:

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